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ATTORNEY DOCKET NO. 233752

CLIENT REF. NO. P031450US

U.S. APPLICATION NO. 10/523,858

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371 AND 37 CFR 1.491**

INTERNATIONAL APPLICATION NO.  
PCT/GB2003/003407

INTERNATIONAL FILING DATE  
6 August 2003 (06.08.2003)

PRIORITY DATE CLAIMED  
7 August 2002 (07.08.2002)

TITLE OF INVENTION PREPARATION OF TYPE II PNEUMOCYTES FROM STEM CELLS

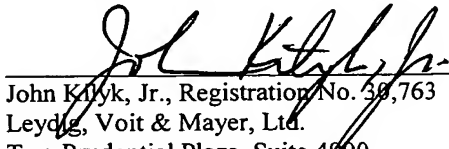
APPLICANT(S) FOR DO/EO/US BISHOP et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 USC 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).
11. Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper Copy
  - c. ☐ Statement verifying identity of above copies

**Items 12 to 19 below concern other document(s) or information included:**

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  - ☒ Form PTO-1449
  - ☒ Copies of References (except for U.S. patents and applications)
13. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ Application Data Sheet Under 37 CFR 1.76
18. ☒ Return Receipt Postcard
19. ☒ Other items or information: Copy of International Search Report for application no. PCT/GB2003/003407

U.S. APPLICATION NO. 10/523,858		INTERNATIONAL APPLICATION NO. PCT/GB2003/003407		ATTORNEY DOCKET NO. 233752		CLIENT REF. NO. P031450US	
20. The following fees are submitted:						CALCULATIONS	PTO USE ONLY
<input type="checkbox"/> <b>National Stage Filing Fee</b>						\$300.00	
<b>Search Fee</b>						\$	
<input type="checkbox"/> USPTO was ISA				\$100.00			
<input type="checkbox"/> Search report provided to USPTO by other entity				\$400.00			
<input type="checkbox"/> All other situations				\$500.00			
<b>Examination Fee</b>						\$	
<input type="checkbox"/> US was IPEA and all claims satisfy PCT Article 33(1)-(4)				\$100.00			
<input type="checkbox"/> All other situations				\$200.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT=</b>						\$	
<input type="checkbox"/> <b>Claim Fee</b>							
CLAIMS	NUMBER FILED		NUMBER EXTRA		RATE		
Total Claims	-20=				x \$ 50.00	\$	
Independent Claims	- 3 =				x \$200.00	\$	
<input type="checkbox"/> <b>Multiple Dependent Claim(s) (if applicable)</b>						\$	
<input type="checkbox"/> <b>Application Size Fee</b> (\$250 for each additional 50 sheets over 100)						\$	
<input type="checkbox"/> <b>Surcharge</b> of \$130.00 for furnishing the National fee or oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date.						\$	
<b>TOTAL OF ABOVE CALCULATIONS=</b>						\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						\$( )	
<b>SUBTOTAL=</b>						\$	
<input type="checkbox"/> Processing fee of \$130.00 for furnishing English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date.						\$	
<b>TOTAL NATIONAL FEE=</b>						\$	
<input type="checkbox"/> Fee for recording the enclosed assignment. The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property.						\$	
<b>TOTAL FEE=</b>						\$	
						Amount to be: refunded	\$
						charged:	\$
<p>a. <input checked="" type="checkbox"/> No fee is believed to be due.</p> <p>b. <input type="checkbox"/> Please charge Deposit Account No. 12-1216 the total fee indicated above.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>SEND ALL CORRESPONDENCE TO CUSTOMER NO. 23460:</p> <p style="text-align: center; margin-top: 20px;">23460</p> </div> <div style="width: 45%; text-align: right;">   <p>John Kityk, Jr., Registration No. 38,763  Leyde, Voit &amp; Mayer, Ltd.  Two Prudential Plaza, Suite 4900  180 North Stetson Avenue  Chicago, Illinois 60601-6780  (312) 616-5600 (telephone)  (312) 616-5700 (facsimile)  Date: March 7, 2005</p> </div> </div>							

**CERTIFICATION UNDER 37 CFR 1.10**

"Express Mail" Label Number: EV 336877994 US

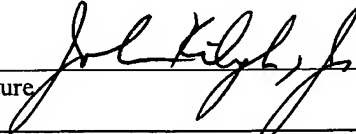
Date of Deposit: March 7, 2005

I hereby certify that this transmittal document with respect to the U.S. national phase of the above-referenced International Patent Application, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

John Kilyk, Jr.

Printed Name of Person Signing:

Signature



07 MAR 2005

## PATENT

Attorney Docket No. 233752

Client Reference No. PO31450US

#2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bishop et al.

Group Art Unit: Unassigned

Application No. 10/523,858

Examiner: Unassigned

Filed: February 7, 2005

For: PREPARATION OF TYPE II  
PNEUMOCYTES FROM STEM CELLS

## INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:



**within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were

furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ No fee is owed by the applicant(s).  
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

In re Appln. of Bishop et al.  
Application No. 10/523,858

**Method of Payment of Fees**

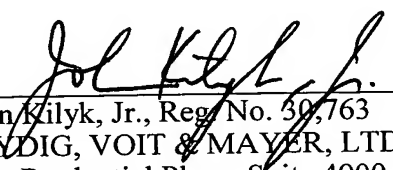
- ☐ Attached is a check in the amount of \$ .  
☐ Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund

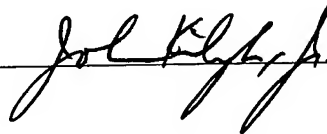
  
\_\_\_\_\_  
John Kilyk, Jr., Reg. No. 30,763  
LEVYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: March 7, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 7, 2005

  
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Please type a plus sign (+) inside this box →



Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/523,858
				Filing Date	February 7, 2005
				First Named Inventor	Bishop et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	233752
Client Reference Number	PO31450US				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AA	WO	01/42425	A2	CHILDRENS HOSPITAL LOS ANGELES RESEARCH INSTITUTE	June 14, 2001		
	AB	WO	01/42425	A3	CHILDRENS HOSPITAL LOS ANGELES RESEARCH INSTITUTE	May 10, 2002		

OTHER - NON PATENT LITERATURE DOCUMENTS								
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.					Translation	
							Yes	No**
	AC	ALI et al., <i>Tissue Engineering</i> , 8(4): 541-550 (2002)						
	AD	CORTI et al., <i>American Journal of Respiratory Cell and Molecular Biology</i> , 14(4): 309-315 (1996)						
	AE	FEHRENBACH, <i>Respiratory Research</i> , 2(1): 33-46 (2001)						
	AF	GONZALES et al., <i>American Journal of Physiology, Lung Cellular and Molecular Physiology</i> , 283(5): L940-L951 (2002)						
	AG	SHANNON et al., <i>Development</i> , 126(8): 1675-1688 (1999)						

Examiner Signature	Date Considered
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).  
 + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).